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SUPREME COURT, U.S.

CASE NO. 80-6657

IN THE UNITED STATES SUPREME COURT

OCTOBER TERM 1980

JAMES E. PATTERSON,
APPELLANT

V.

OTIS, J. ABERNATHY, ET AL &
HANS J. SCHACHT, U.S. DIS--
TRICT COURT-NORTHERN DIS-
OF GEORGIA, ET AL

ON APPEAL FROM THE FIFTH
CIRCUIT COURT OF APPEALS

APPENDIX AMENDED

RESPECTFULLY SUBMITTED

JAMES E. PATTERSON, PRO SE
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[404]882-8533

10

DATED: _____.

TROTTER, BONDURANT, MILLER & HISHON

ATTORNEYS AT LAW


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VIOLATES - LOCAL - RULE 161.1

August 6, 1980

HAND DELIVERY

Ex Parte - you did not advise me that you would see the Judge in Chambers on 8/6/80.

The Honorable Marvin H. Shoob
Judge, United States District Court
for the Northern District of Georgia
1921 United States Courthouse
75 Spring Street, S. W.
Atlanta, Georgia 30303

Violates Local Rule 161.1.

I

Re: Patterson v. Abernathy, et al C80-1236A, and
Patterson v. Schacht, C79-106N

Dear Judge Shoob:

Because you have been assigned to Patterson v. Abernathy, C80-1236A, I thought it would be advisable to inform you of a motion I have filed in the related case of Patterson v. Schacht, C79-106N before Judge Tidwell. A copy of the motion and supporting memorandum is enclosed.

On December 11, 1979 the Plaintiff in both cases, James E. Patterson, filed the Complaint in C79-106N, and that case was assigned to Judge Tidwell. On March 20, 1980 Judge Tidwell entered an Order dismissing the Complaint against all Defendants, awarding attorney's fees to the prevailing Defendants, and enjoining Patterson from filing any further action related to the subject matter of C79-106N. A copy of this Order as well as the Complaint in C79-106N is attached to the enclosed motion.

On July 21, 1980, Patterson filed his Complaint in C80-1236A which has been assigned to you. With a few exceptions, the Defendants are the same in both cases. I represent Defendant Theodore J. Frankel in both cases. Additionally, I have been named as a Defendant in C80-1236A. Patterson's purported claim against me is based on actions I took in filing pleadings in C79-106N.

I believe that Patterson's filing the Complaint in C80-1236A violates the injunction entered by Judge Tidwell on

Since you were not served - who called you and told you That C.A. No. 80-1236-A - was in the clerks offfice? If the Appellent Court Approves of this misconduct it will rule in effect That we have no rights, and no right to Challenge an injunction.

OTTER, BONDURANT, MILLER & HISHON

The Honorable Marvin H. Shoob
August 6, 1980
Page Two

It takes a trial on the merits of C.A. No. 80-1236 TO DETERMINE THIS - BUT a fee has NO TRIAL.

Since you were not under the WRH court's jurisdiction ACCEPT FROM YOU?

March 20, 1980. Therefore, I have filed today the enclosed motion to have Patterson held in Contempt of Court and to have the injunction enforced by quashing service of the Complaint in C80-1236A. Neither D nor Defendant Frankel have yet been (1) served with the Complaint in C80-1236A, and I have been informed by the Clerk of the Court that Patterson's check for (2) the filing fee was returned for insufficient funds and is being sent to the bank for the second time. Therefore, none of the Defendants will be served until the filing fee is properly paid.

I have scheduled a meeting with Judge Tidwell for 10 a.m. Thursday August 7th at which time I will ask him to set a date for a hearing on the motion, if he believes a hearing to be necessary, and I will further ask him temporarly to quash service of the Complaint in C80-1236A pending the disposition of my motion. I believe Judge Tidwell has jurisdiction to quash service despite the fact that C80-1236A has been assigned to you on the ground that the filing of the Complaint violates (3) the injunction entered by Judge Tidwell. If Judge Tidwell believes that you rather than he have jurisdiction to quash the service of the Complaint in C80-1236A, I will seek such action from you.

Thank you very much for your consideration.

I

Sincerely,

William E. Hoffmann, Jr.

WEH:raw

cc: The Honorable G. Ernest Tidwell
James E. Patterson

(1) Since C80-1236A was not served on you the court had no jurisdiction over you or a motion from you. (2) Since the bank payed the bad value of the check on July 21, 1980 - your statement of 8/6/80 is a lie. (3) Judge Tidwell did not issue an injunction order as a separate document as required by FRCP, Rule 65(D) and not in compliance with rule 65(a)(1) - no hearing and based upon unsworn allegations. (4) Judge Tidwell cannot legally refuse to adjudicate a summary judgment motion - dismiss - and order that I not try to get a ruling on my S.J. motion by trying to file C.A. 80-1236-A.

If you believe, as you say above, that my trying to file C.A. No. 80-1236-A Violated Judge Tidwell's injunction clause to his order dismissal order no. C79-106-A why have you moved the Court for ten(10) months to deny me a contempt trial?

APPENDIX-# 20-page #56

## CERTIFICATE OF SERVICE

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I HAVE MAILED A COPY OF THE ATTACHED SUPPLEMENT TO OUR APPENDIX FOR CASE NO. 80-6657 WITH SUFFICIENT POSTAGE AFFIXED THERETO TO ASSURE DELIVERY TO COUNSEL OF RECORD FOR THE APPELLEES WHO ARE AS FOLLOWS:

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